# One Juror Stands in Way of Complete Victory for Theodore Roosevelt

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JUROR BURNS, WHO

Edward Burns.

HELD UP VERDICT

Edward Burns, juror No. 11, who

blocked a unanimous verdict for Col.

Roosevelt yesterday, is a Republi-

can and is employed on the street

railway of Syracuse as a motorman.

to one of Barnes's counsel "looks

not unlike a Tammany Democrat."

He is short and heavily built, with

a large head upon a short neck.

Burns's attitude is declared to be

For Roosevelt If he pays half the

Against Roosevelt If he does not.

The court announced that such a

finding is illegal. Burns held his

ground and the court ordered the

Col. Roosevelt stiffened in his chair.

pace with the public demand.

jury locked up another night.

costs of the trial.

He is 36 years old, and according

Continued from First Page.

of Republican Barnes, and nobody be-lieved this was probable. The three Progressives and two Democrats had o desire to carry political quarrels the jury room. The twelve appear to have been in

substantial accord after many hours upon the vital points of evidence and then all of a sudden Burns wrecked the agreement because the Justice could not permit the jury to say how the trial expenses should be apportioned.

The jury had been locked up at 11 oclock last night after failing for seven hours and twenty minutes to yets unanihours and twenty minutes to vote unani-mously. They slept in a dormitory pro-vided for juries by the men who built the Onondaga county court house under the prudent and watchful eye of Prancis Hendricks. When they were released for breakfast this morning it was evident at once that good feeling awayed them. Every man smiled. No man scowled. It looked as if an agree-ment was coming after all.

A few minutes after Justice Andrews took his seat on the bench at 10 o'clock in the morning a message pencilled on yellow scratch paper was sent to him Mr. Somers, foreman of the jury. Justice glanced over the paper. frowned in perplexity, smiled a little and called to the bench John M. Bowers

and called to the bench John M. Bowers and Henry J. Wolff, counsel respectively for Col. Roosevelt and Mr. Barnes.

Mr. Ivins had left for New York city in the morning. Mr. Barnes had gone to Albany the night before. As one of the Roosevelt side put it, the retreat from Moscow had begun so that only Mr. Wolff was left to safeguard Mr. Roosevelt interests and make whatever Barnes's interests and make whatever motions might be necessary. Not a man of the Colonel's staff was missing.

were all beaming at their counsel table, and the contrast between the deserted Barnes table and the crowded velt table was sufficiently inter-Roosevelt table was sufficiently in the esting even before the standing of the jury was announced. Some persons might have seen an omen in this.

#### The Note to the Justice.

The puzzle that wrinkled the Justice's brow was this: What could the jurors possibly have in their minds that led them to write, through their fore-"A peculiar situation has arisen uld we talk privately with you in the The request was wholly improper, and

sible, of course, to be considered even for a minute.

Justice Andrews ordered the jury

brought into the court room. Then they trailed in to their seats, glancing doubtfully at one another, and most of them turning toward Foreman Somers or toward Walter Zuill, who seemed obvi-

ously to be the leaders of opinion. The Justice paused a moment and then said: "Gentlemen, there is very little I can say in addition to what I have already said. Any questions which you desire me to answer must be asked here in court so that a record may be made of what occurs. If there is any further construction of the law that I can give I shall be glad to do so. If there is any dispute as to any portion of the law that I can give I shall be glad to do so. If there is any dispute as to any portion of the law that I can give I shall be glad to do so. If there is any dispute as to any portion of the law that I can give I shall be glad to do so. If there is any dispute as to any portion of the law that I can give I shall be glad to do so. If there is any dispute as to any portion of the law that I can give I shall be glad to do so. If there is any dispute as to any portion of the law that I can give I shall be glad to do so. If there is any further than the order of seating—and every man spoke out clearly. Then the clerk reached Edward Burns. To the astonishment of every person in the court room Burns replied: "For the plaintiff."

evidence I will have it read to you.
That is about as far as I can go."
The majority of the jurors glanced uneasily toward Foreman Somers and William L. Barnum smiled slightly. The uneasily toward Foreman Somers and Mr. Zuill. The foreman sat with a courteous smile playing about the corners of his mouth. Mr. Zuill seemed to be worried, overwrought. Burns. later to be the recalcitrant one, looked at nobody. He sat expressionless and impassive and stared straight in front of him. After a little parley in which Bomers and Zuill and Leonard K. Hungerford whispered closely, Mr. Somers said:

"The jury would like permission to consider the question a little further."

William L. Barnum smiled slightly. The Roosevelt counsel, brought up suddenly, unexpectedly and jarringly when complete victory seemed in their hands, could only stare at Burns. Then it was understood why Somers had demanded a poll. He meant to put Burns on record.

Mr. Clarke paused a moment to collect his wits and then called out, "Peter Beneke, your vote?"

"For the defendant," replied Beneke, the twelfth Juror.

"May I say a word further about this

"The jury would like permission to consider the question a little further."
"Very well," replied Justice Andrews.
In the delay of an hour that followed such a flood of questions, suggestions and speculations developed in the room as can only be produced by startling episodes in the closing hours of a great trial. "What on earth could the jury."

"May I say a word further about this matter?" inquired Juror Zuill.
"You must not discuss the verdict here in court," said Justice Andrews.
"You must go back to your room and remain there until you come to agreement."

## Roosevelt Pale.

Many eyes turned at that juncture

Many eyes turned at that juncture toward Col. Roosevelt to study his bearing under the strain of what he himself says was one of the greatest crises of his life. He was very pale. From a countenance ordinarily florid all trace of color had gone.

His hands dropped at the sides of his chair and were tightly clinched. His lips were pursed. His lower jaw protruded. He looked to be doing exactly what he was doing—nerving himself for a blow, as if he expected an adverse verdict.

verdict.

Justice Andrews turned frowningly upon the crowd, annoyed by a prelimi-

upon the crowd, annoyed by a preliminary buzz and gifr.
"I want to say to the spectators," he said, "that whatever the verdict may be there must be absolutely no demonstration in this room. If any occurs I shall see that the disturbers are properly dealt with."

The twelve filed in for the second in the second stay of the second stay.

time, Foreman Somers still showing that courteous smile, Mr. Zuill still worried looking, Burns still utterly impassive. They took their seats quickly and ten of them fixed their eyes on the foreman. Burns stared off into space.

"Gentlemen of the jury," said Charles
J. Clarke, clerk of the Supreme Court, "have you agreed upon a verdict?" "have you agreed upon a verdict?"

## Verdict Announced.

Mr. Somers, tall, gray haired, gray mustached, with keen blue eyes and a firm, humorous mouth, rose and said very slowly and clearly:
"We find for the defendant, with the

suggestion that the court expenses be divided equally." Amazement showed in the faces of the Amazement showed in the taces of the Justice and the lawyers. Justice Andrews looked as if he could not trust his ears. The Roosevelt counsel were all aflutter. The Colonel himself was changed in the flash of a second, his hands shot forward in an impetuous gesture of joy and he smiled upon the jury.

He gripped left hand with right and shook hands with himself in reply to energetic gestures from ex-Senator Davenport, Horace S. Wilkinson and other friends in the room.
"Why, gentlemen," said Justice Antrews, addressing Foreman Somers, who remen, addressing Foreman Somers, who remained standing, "this verdict is hardly proper. The court is prohibited by law from accepting a verdict in that form. You must find either for the plaintiff or the defendant, and you must leave the question of costs to be decided by others."

"May we have a rising vote?" requested Foreman Somers.

The purpose of the request did not immediately appear. Later it was strik-"The clerk will call the roll of the fury," ordered Justice Andrews.

## Polling the Jury.

For the first time in nine years experience as court clerk in hundreds of givil cases Mr. Clarke polled the jury. Straight down the upper row from Henry Hoag to Irving J. Mills to Walter J Zuill to Franklin S. Rhoades to Leonard K. Hungerford and to F W. Pierce—two Republicans, three Pro-gressives and a Republican in the order named—Mr. Clarke went over the roll The clerk began upon the second row —Warren Somers, Ray Tanner, John W. Brown and George E. Boscher —a Re-



Bowers's rapid strategy, ruled that he

art F. Hancock of the Roosevelt coun-'We object," shouted Mr. Barnum. The jury was thereupon sent to their room and the strife between one man and eleven was resumed. In court and on the street people began to ask about Burns—Who was he, what was he? Burns has been a Republican all of his life. He works as a motorman for the city street railway. He is 36 years old. For the rest he is short, heavily built, with a large head resting upon a short neck.

neck.

The instant the jurors were out of the room and Justice Andrews had relaxed the severe order Col. Roosevelt's elation broke loose. He simply couldn't elation broke loose. He simply couldn't contain his good spirits. The fact that one man still held out counted little in his mind. He talked to everybody, smiled upon everybody, shook hands with everybody.

A very good looking young woman, who sat near him, leaned forward under the emotional impulse of the moment and evel med.

and exclaimed:

"Col. Roosevelt, I would just like to "My dear," replied the Colonel, with a very low bow, 'I only wish you could.'
Col. Roosevelt was asked if he cared
to make a statement for publication. "No, no, that would not be proper," he answered. "I will have nothing whatever to say about this verdict, this vote. Any statement must come from my counsel, Mr. Bowers."

For the next hour, or until the lunch-eon recess arrived, he "visited" about the court room, going from this group to that, receiving congratulations and telling stories. For him it was all over. Somebody had sent him a tiny parcel. After he opened it and laughed loudly he showed it everywhere. Packed in cotton wool were a dozen or so small compaign buttons with "T. R." stamped on them, white letters on blue ground. They were very familiar objects back in 1912. Accompanying the buttons was a card inscribed: "An antidote for crooked politics, Mr.

Barnes. To be taken before each meal."
Perhaps the first thing the Colonel did
after the vote was announced was to write a telegram to Mrs. Roosevelt at Oyster Bay giving her the news. Simul-taneously a telegram of a different sort taneously a telegram of a different sort first time since Billy Sunday came to went to Mr. Ivins, who was on a train Paterson he was unable for a few sechurrying for New York city. The tele-onds to-night to express himself. Mr

It was hoped that an agreement could be reached in the hour or more that remained before the luncheon recess. When that was seen to be impossible Justice Andrews adjourned court until 2 P. M. He remained on the bench in he afternoon for half an hour, the ountry home while awaiting word from the jury. He would give them until 5 P. M., he said, to reach a verdict, otherwise they would be directed to report at 10 o'clock to-morrow morning The jurors have never asked to have any part of the evidence read to them. Apparently they were out to consider what both Mr. Ivins and Mr. Bowers

## BARNES KEEPS MUM.

#### Result Is a Surprise to Albany Politicians.

ALBANY, May 21 .- William Barnes re turned to Albany to-night, but refused to make any comment on the result of the trial at Syracuse. Political circles were surprised when t became known that eleven of the jurors wanted to return a verdict in Roosevelt's favor, but few would talk

# **BILLY SUNDAY'S WORK**

But All of the General Assembly Delegates Do Not Join in Applause.

must deny the motion.
"May we ask for an instruction that
the costs will be divided?" asked Stew-ROCHESTER, May 21 -One of the first bursts of real feeling broke over the Presbyterian General Assembly at today's session when the the Commissioners cheered the work of Billy Sunday. The Rev. Dr. William H. Roberts, stated clerk of the assembly, gave out the statistics of conversions in Philadelphia due to the Sunday campaign and there followed a demonstration by a large number of the Commissioners. Other entire sections of the Commissioners sat silent and aid not join in the demonstra-

> The Rev. Dr. Maitland Alexander presented the report of the committee on Christian life and work. The home was plamed for the "enormous" spread of the social evil, there being, says the re-port, "a woful lack of moral graining in the average house."

Taking up marriage and divorce, the report recommended that the latter should be combated, not so much through additional legislation as through the moulding of public opinion against it.

The Rev. Charles Stelzle, an evangelist, has addressed a letter to the assem bly in which he protests against the action of the executive commission in entertaining a resolution to investigate and report on his alleged socialistic teachings. He complains that the action of the commission has seriously injured and hampered his work, and he objects to being classified as a Socialist.

The new Moderator, the Rev. Dr. J. Ross Stevenson, appointed the Rev. Dr. J. Willis Baer, president of the Occidental College of Los Angeles, as Vice-Secretary Bryan is expected here on Sunday to deliver an address on total

#### NEW YORK CALLS BILLY.

Will Answer After Consulting His Wife and God.

PATERSON, N. J., May 21.—For the first time since Billy Sunday came to while collecting his thoughts to tell of the surprise and pleasure it gave him to learn from the chairman of a delega-tion of 500 members of the New York Evangelistic Association of New York city who were at the Tabernacie to-night that the various Protestant denomina-tions of New York have at last united a general invitation to Billy to go to

Manhattan.
"We want Mr. Sunday," cried the Rev.
Charles L. Goodell of St. Paul's Methodist Episcopal Church of Manhattan and
chalrman of the New York delegation. 'We've come here from New York to inhim, a great delegation that in-les Vice-President Esterbrook of the Board of Aldermen, judges, ministers, siness men and others."

ventured to put up to them—the ques-tion of veracity between Barnes and When Billy, who was notably flustered by the invitation, got his breath he said briefly that before definitely replying consider the matter with Ma Sunday."

## MORE TROUBLE FOR ADDICKS.

by Testifying Now.

and speculations developed in the room and in the room and speculations developed in the room and speculation of the Rev. Alfred E George W. Wickersham, chairman of the day by Supreme Court Justice Donterday in a similar protectional convention, said:

"It helps Roosevelt and hurts Barnes just how much, I cannot estimate."

If Addicks appears to-day and testing the frequency of the constitution of Charles P. Stanton, who also has a Judgment for \$16,000 held by Hiram M. Burton, was directed yesterday by Supreme Court Justice Donterday in a similar protected in the Rev. Alfred E George W. Wickersham, chairman of the day by Supreme Court Justice Donterday in a similar protected in the Rev. Alfred E Myers in the Sanctuary." At \$ P. M. Hobsens, and the mental provided at the morning service and the Rev. Alfred E Myers in the Sanctuary." At \$ P. M. Hobsens in the day in a similar protected in the Rev. Alfred E Myers in the Sanctuary." At \$ P. M. Hobsens in the day in a similar provided in the Rev. Alfred E Myers in the Sanctuary." At \$ P. M. Hobsens in the Collaboration of Charles P. Stanton, who also has a Judgment for \$16,000 held by Hiram M. Burton, was directed yesthe floor and the Rev. Alfred E Myers in the

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imited to inspect our plant -

## PRESBYTERIANS CHEER PULPIT TALKS AND MUSIC IN CHURCHES TO-MORROW

street, Brooklyn. The preacher at the morning service will be the Rev. Dr. Edward P. Drew of Worcester, Mass. The Sunday evening home time at 7:45 will be addressed by Dr. William H. Tolman, street. The Rev. Dr. Malcolm James Macdirector of the American Museum of Safety. Dr. Tolman will speak as an expert on "Safety Pays." The lecture will be illustrated.

FIFTH ANNUAL STATES THE STATES AND ST

ducted by Dr. Jowett. BROADWAY TABERNACLE-Broadway at Fifty-sixth street. The Rev. Charles E. Jefferson, pastor, will preach in the morning. In the evening there will be an address by William H. Anderson, State Superintendent of the Anti-Saloon League.

> in Action Against the Saloon. NEW THOUGHT CHURCH-Acollan "Does the War Give Civilization a Setback?" will be the subject of Dr. F. W.

> morning.
> ST. ANDREW'S M. E. CHURCH-West Seventy-sixth street. At 11 A. M., children's day service; at 8 P. M. musical service, "Jesus, Lover of My Soul"; fourth in the course of the great hymns. CALVARY METHODIST CHURCH— Seventh avenue at 129th street. "Woman in the World's Work" is to be the interest-

> ing topic for Dr. William H. Morgan's morning sermon. The evening theme will be "Shall We Know Each Other There?" WEST-PARK PRESBYTERIAN CHURCH -Eighty-sixth street and Amsterdam avenue. The Rev. Dr. Anthony H. Evans will preach to-morrow at 11 A. M. Rev. Dr. Anson P. Atterbury will preach at S P. M. As Moderator of the New York Presbytery, Dr. Evans will take part in an ordination service at the East Harlem Cl.urch, East 116th street, at 8 P. M LENOX AVENUE UNITARIAN CHURCH

Croix Wright will have as his sermon "Two Unitarian Saints." FIRST BAPTIST CHURCH-Broadway at Seventy-ninth street. Pastor I. Haldeman, D. D. 11 A. M., "H. essible to know and be conscious of our Lord Jesus Christ to-day." 8 P. M. difference; or the standard before the best man in the world is no better

Corner Sixtleth street. mreaching by the pastor, the Rev. Worth
M. Tippy, at 11 A. M. and 8 P. M.
FREE SYNAGOGUE—Carnegle Hall. The annual confirmation service of the synagogue will take place to-morrow singing. Testimony. S. Wray, Supt.

morning at 10:30. The confirmation ser-mon will be preached by Dr. Vise. NEW CHURCH (Swedenborgian)-East Thirty-fifth street. To-morrow will be "children's Sunday." The Rev. Julian K. Smyth, pastor, will speak. An interesting feature of the 11 o'clock service will be the presentation of copies of the Bible and prayer book to children of the parish of the ages of 7 and 14 years. UNITY SOCIETY-305 Madison avenue

Mrs. William Fayal Clark will speak to-morrow at 11 A. M. In the evening Mrs. Van Marter will speak on "The Dynamic Power of Desire." NEW THOUGHT-Hotel Biltmore. Mrs. Mary Etheridge T. Chapin will speak tomorrow morning on "Constructive Think-ing-the Elimination of Fear and Worry." -At 114th street. The Rev. Dr. Walter

Duncan Buchanan, paster, will preach to-morrow at 11 A. M. on the subject "Love." For the evening his subject will OLD FIRST PRESBYTERIAN CHURCH both services to-morrow. At 11 A. M. he

will preach on the topic. "The Real Thing." At 8 P. M. his subject will be "God's Partners." MARBLE COLLEGIATE CHURCH-J. Edward Addicks, who is a prisoner in the Ludlow street fail because he refused to testify in supplementary proceedings on a judgment for \$16,000 held will be occupied at the merning service.

be illustrated.

FIFTH AVENUE PRESBYTERIAN CHURCH—FIfth avenue and Fifty-fifth street. The Rev. Dr. J. H. Jowett, pastor, will preach at the morning services. In the afternoon the ordinance of the Lord's Supper will be observed. Men's Bible class at 10 A. M. The mid-week service in the chapel on Wednesday at 8:15 will be conducted by Dr. Jowett.

-East Twenty-ninth street, between Fifth A short organ recital by Prof. and Madison avenues. Matins, 10:30 A. M., Henry Hall will follow the service.

### RELIGIOUS NOTICES. FIFTH AVENUE PRESBYTERIAN CRURCH REV. J. H. JOWETT, D.D., Pastor

Services at 11 A. M. and 4:30 P. M.
Dr. Jowett will preach at morning service
and in the afternoon the ordinance of
the Lord's Supper will be observed.
Men's Bible Class at 10 A. M.
Wednesday at 8:16 P. M. will be conducted
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Trinity Parish, Chapel of the Intercession, Broadway and 155th Street. Rev. M. H. Gates, D. D., Vicar. 8, 8:45, Holy Communion; 9:45, Sunday School; 10:30, Children's Service; 11, Morning Prayer & Sermon; 12, Holy Communion. 8 P. M., Evening Prayer & Sermon.

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7 P. M.—Young People's Society Meeting

Friday, Prayer Meeting, 8 P. M.

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NEW THOUGHT CHURCH, Church of the New Civilization, JULIA SETON, M. D., Founder & Speaker, Subject: "The Vision and Silence." Sunday, 11:15 A. M., 48th St. Theatre.

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# \* Exclusively in To-Morrow's SUNDAY WORLD MAGAZINE

Mr. I. T. T. Lincoln, a former member of the British House of Commons, tells how he became

## A GERMAN SPY

His story being authenticated by letters, documents, telegrams and private papers from officials of the British War Office and Admiralty, British Government officials, German Consular agents, military and naval officers.

Playing a lone, dangerous hand, scheming to carry out the deep-laid plans he alone had conceived to betray England into the hands of her enemies, Mr. Lincoln took desperate chances.

He was trapped in the office of Winston Churchill, then First Lord of the British Admiralty, but the trap failed to work and Mr. Lincoln fled for his life. He escaped from England just in time to avoid arrest and probably death for high treason. He arrived in New York a few weeks ago and immediately began the preparation of his remarkable life story, which you will read, beginning to-morrow, in

## THE SUNDAY WORLD MAGAZINE

The details of Mr. Lincoln's revelations are fully authenticated by letters, documents, telegrams and private papers from officials of the British War Office and Admiralty, British Government officials, statesmen, German Consular agents, military and naval officers and ecclesiastical dignitaries, which are now in the possession of the editors of The World. Several of these highly important papers are photographically reproduced in The World to-morrow, and, taken in connection with Mr. Lincoln's astounding revelations, are bound to make a tremendous sensation both in England and Germany.

Mr. Lincoln has had an amazing career. His name, before he added "Lincoln" to it was Ignatius Timotheus Trebitsch. A native of Hungary and a converted Jew, he has been successively a student of theology in Germany, a Presbyterian minister in Montreal, Canada, a Church of England curate in England, a politician, and in 1910 a member of the House of Commons.

His revelations deal not only with the efforts he made to betray England and the British fleets into the waiting hands of the enemy, but also with the methods of the English Secret Service and the remarkable system whereby the Germans keep themselves informed of the war plans of England and the movements of her fleets and troops.

Mr. Lincoln reveals his reasons for turning against his adopted country to become a spy for Germany. and he considers that these reasons justified him in doing what he did.

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From Your Newsdealer in Advance.

\*

ermon by the rector, Dr. G. C. Houghton. CORNELL UNIVERSITY choral litany, 8 P. M., preacher, the Rev. W. W. Davis; subject, "Pentecostal Gifts." CATHEDRAL OF ST. JOHN THE DI-

STATE SCHOLARSHIPS VINE—There will be a memorial service for those lost in the sinking of the Lusitania to-morrow morning at 11 o'clock, with an address by Dean Grosvenor.

CHURCH OF THE HOLY COMMUNION

Twentieth street and Sixth avenue. 11

A. M., the Rev. Dr. Henry Mottet; 3 P. M., children's service, the Bay. Dr. Motte. VINE-There will be a memorial service for those lost in the sinking of the Lusi-

children's service, the Rev. Dr. Mottet; 3:15 P. M., French service, the Rev. Pietro Griglio; 8 P. M., the Rev. Dr. Henry NATIONAL BIBLE INSTITUTE-214 West Thirty-fifth atreet. Don O. Shelton, president of the National Bible Institute. will speak to-morrow at 8:45 P. M. on versity. Regular service at 4 o'clock. The preacher will be the Rev. Raymond

mitted.

There will be as many candidates appoints from this county as there are assembly district in this county. Candidates will become entitle to the scholarships in the order of their ment.

Dated at The City of New York this third da of May, 1915.

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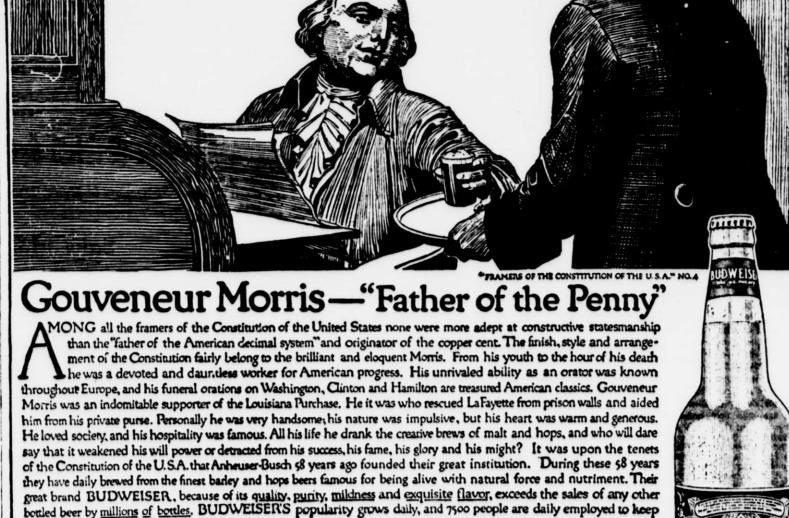
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